

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JILL KILEY, et al.,**

**Plaintiffs,**

**v.**

**MEDFIRST CONSULTING  
HEALTHCARE STAFFING, LLC,,**

**Defendant.**

**Case No.: 2:17-cv-01756-RDP**

**SHOW CAUSE ORDER**


On or before **August 27, 2019**, the parties are **DIRECTED** to **SHOW CAUSE** in writing as to why the court should not sever Plaintiffs' claims into separate cases related to their state-specific collective and Rule 23 class allegations and transfer those cases to the appropriate district pursuant to 28 U.S.C. § 1404(a).

When this case was initially transferred to this district from the District of Oregon, Plaintiffs' Complaint contained only one claim under the Fair Labor Standards Act. (Doc. # 1). Thereafter, Plaintiffs also asserted claims based on Oregon and Pennsylvania law. (Doc. # 95). And, most recently, Plaintiffs' Second Amended Complaint filed on September 12, 2018 significantly changed the landscape of this action by adding eight additional causes of action based on North Carolina, New York, Maryland, Ohio, New Jersey, Illinois, Maine, and Utah state law. (Doc. # 148). After the filing of that amendment, the court permitted the parties the opportunity to participate in a mediation. Defendant unilaterally withdrew from the mediation that was scheduled. The court remains concerned about the manageability of this case going forward. Indeed, it would

appear that the majority of the witnesses relevant to each state class claim live in or near the state at issue. In addition, the forums listed in the Second Amended Complaint would almost certainly be more familiar with the applicable law governing Plaintiffs' state specific allegations. *See Manuel v. Convergys Corp.*, 430 F.3d 1132, 1135 n.1 (11th Cir. 2005) (listing a forum's familiarity with the governing law as a factor to be considered in determining whether transfer is appropriate under Section 1404(a)).

The parties should address in their filings the propriety and advisability of the severance and transfer of these claims.

**DONE** and **ORDERED** this August 13, 2019.

  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE